

RESOLUTION 2018-125

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO AGREEMENT WITH MACK5 FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF A WOMEN INFANTS AND CHILDREN (WIC) BUILDING, INCREASING TOTAL COMPENSATION BY \$17,500, FOR A TOTAL CONTRACT AMOUNT OF \$190,750 TO COVER ADDITIONAL COSTS DUE TO THE EXTENDED CONSTRUCTION DURATION

WHEREAS, Healthy Eating Active Living Initiatives (Healthy Eating Active Living campaign, Affordable Health Care Act for CA implementation, and support community education and information sharing on public health programs) are adopted policy item(s) under the FY 2018-21 Council Priority Workplan Update, effective November 1, 2017;

WHEREAS, an Environmental Impact Report to assess impacts from the San Pablo Avenue Specific Plan was prepared and adopted by the City Council on September 19, 2011 as required by CEQA. In addition, on October 17, 2011 a Mitigated Negative Declaration was adopted by the City Council for a *Mixed Use Center South Regulating Plan* – which specifically addresses the environmental impacts of the development and infrastructure designed for the site. No further CEQA review is required at this time, because pursuant to California Public Resources Code section 2116 and 14 Cal. Code of Regulations section 15162, there have been no substantial changes to the project or the circumstances under which the project is being undertaken or new information of substantial importance;

WHEREAS, by Resolution 2016-260 of the City Council of the City of San Pablo adopted August 1, 2016, the City Manager was authorized to execute an agreement with Mack5 in the amount of \$158,090 for construction management services for construction of the Women Infants and Children (WIC) program building and to appropriate \$173,900 from the General Fund designated reserve/infrastructure (Circle S & Master Plan) to fund the contract and a 10% contingency;

WHEREAS, a First Amendment to Agreement for Construction Management Services between the City of San Pablo and Mack5, dated October 30, 2017, extended the term of the Agreement to August 31, 2018, added testing and inspections to the scope, and authorized an additional \$15,160 to be added to the contract, for a total contract amount not to exceed \$173,250, which was still within the original amount authorized by City Council Resolution 2016-260;

WHEREAS, due to unforeseen construction schedule extensions and additional testing and inspection required, the WIC project construction schedule has been extended further, until December 31, 2018; therefore, additional construction management services are desired from Mack5 to oversee construction phase services, as well as testing and inspection services, for the extended period, at an additional fee of \$15,000 for construction phase services and \$2,500 for testing and inspection services; and

WHEREAS, the City desires a Second Amendment to Agreement for Construction Management Services between the City of San Pablo and Mack5 dated September 17, 2018, authorizing additional compensation in the amount of \$17,500 (for a total contract amount not to exceed \$190,750), which funding is available within the project budget, such that no new appropriations are needed, and extending the term of the Agreement to December 31, 2018.

NOW THEREFORE, BE IT RESOLVED, that the foregoing recitations are true and correct, and are included herein by reference as findings.

BE IT FURTHER RESOLVED, that the City Council of the City of San Pablo hereby authorizes the City Manager to execute a Second Amendment to Agreement with Mack5 for Construction Management Services for construction of a Women Infants and Children (WIC) program building, increasing total compensation by \$17,500, for a total contract amount not to exceed \$190,750.

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Adopted this 17th day of September, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney and Calloway
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Valdez and Morris
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, City Clerk

/s/ Genoveva Garcia Calloway
Genoveva Garcia Calloway, Mayor